

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff, : Case No. 1:03-cr-092

-vs- : District Judge Susan J. Dlott
RODNEY BEA, Chief Magistrate Judge Michael R. Merz

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #75), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on April 6, 2007, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that Defendant's Motion to Vacate under 28 U.S.C. §2255 be, and it hereby is, denied with prejudice and on the merits. Because reasonable jurists would not disagree with this decision, he is also denied leave to appeal *in forma pauperis* and any requested certificate of appealability.

April 20, 2007.

s/Susan J. Dlott

Susan J. Dlott
United States District Judge